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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Kevin D. Horner-Richardson, David A. Small and Jesse A. Roberts
Serial No. 09/821,868
Filed March 30, 2001
Confirmation No. 9294
For PLASMA ARC TORCH AND METHOD FOR IMPROVED LIFE OF PLASMA ARC
TORCH CONSUMABLE PARTS

February 25, 2002

RENEWED PETITION UNDER 37 CFR 1.47(a)

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,
Washington, D.C. 20231

SIR/MADAM:

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OFFICE OF PETITIONS

Thermal Dynamics Corporation, assignee of the above-identified application (hereinafter "Assignee"), and Kevin D. Horner-Richardson and Jesse A. Roberts, joint inventors identified in the above-identified application, hereby renew their Petition under Rule 47(a) to accept the DECLARATION AND POWER OF ATTORNEY signed by Kevin D. Horner-Richardson and Jesse A. Roberts, and without the signature of David A. Small, the remaining joint inventor, submitted with their Petition under Rule 47(a) dated October 10, 2001. A Decision Refusing Status Under 37 CFR 1.47(a) (copy enclosed) was mailed December 26, 2001.

Despite diligent and repeated contacts and attempted contacts with Mr. Small by Assignee, and in particular by Kevin D. Horner-Richardson, Mr. Small has been unresponsive to requests to sign the DECLARATION AND POWER OF ATTORNEY as indicated in the DECLARATION OF FACTS submitted with the Petition dated October 10, 2001 and in the enclosed SUPPLEMENTAL DECLARATION OF FACTS. The DECLARATION AND POWER OF ATTORNEY is necessary to preserve the rights of Assignee. Assignee is the sole and exclusive owner of the above-identified patent application as a result of the assignments

enclosed with the DECLARATION OF FACTS submitted with the Petition of October 10, 2001 and recorded respectively at Reel 010879, Frame 0418 and Reel 010880, Frame 0382.

The last known address of Mr. Small is P.O. Box 128, Sharon, Vermont 05065.

It is noted that Mr. Small is aware of the above-identified patent application and previously cooperated in the filing of two U.S. provisional patent applications, Serial Nos. 60/193,820, filed March 31, 2000, and 60/193,602, also filed March 31, 2000, on which the above-identified patent application is based, and executed an assignment recorded with each of the provisional applications. Attempts have been made by Assignee to present Mr. Small with the present application papers and the DECLARATION AND POWER OF ATTORNEY, and Mr. Small has failed to respond to such attempts.

Most recently, Kevin Horner-Richardson, on behalf of Assignee, sent a copy of the application, including specification, claims and drawings, to Mr. Small via certified mail and requested that Mr. Small review the application papers and sign the DECLARATION. As of the filing of this renewed petition, Mr. Small has failed to respond to Mr. Horner-Richardson's request. This is the fifth communication from Mr. Horner-Richardson to Mr. Small dating back to August 30, 2001 to which Mr. Small has failed to respond.

In view of these facts, in view of the signatures by the other joint inventors, and in view of the fact that Mr. Small previously assigned his rights to Assignee, Assignee and the signing joint inventors request that the Commissioner grant this renewed petition.

If any additional charges are due in this matter, please charge Deposit Account No. 19-1345.

Respectfully submitted,



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* Enclosure
RLB/psm

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